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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH**

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**AMELIA ARCAMONE-MAKINANO, et al.,**

**Plaintiffs,**

**v.**

**DEBORAH HAALAND, in her capacity as  
U.S. Department of the Interior Secretary,  
et al.,**

**Defendants.**

**ORDER AFFIRMING AND ADOPTING  
REPORT & RECOMMENDATION**

**Case No. 2:23CV396-DAK-DAO**

**Judge Dale A. Kimball**

**Magistrate Judge Dustin B. Pead**

This case was assigned to United States District Court Judge Dale A. Kimball, who referred the case to United States Magistrate Judge Dustin B. Pead under 28 U.S.C. § 636(b)(1)(B). On June 20, 2025, the Magistrate Judge entered a Report and Recommendation (“Recommendation”), recommending that the undersigned judge grant Defendants’ Motion to Dismiss for lack of subject matter jurisdiction under Rule 12(b)(1).

The Magistrate Judge’s Recommendation notified the parties that any objection to the Recommendation must be filed within fourteen days. The court has not received an objection, and more than fourteen days have passed after Plaintiffs would have received the Recommendation. “In the absence of timely objection, the district court may review a magistrate [judge's] report under any standard it deems appropriate.”<sup>1</sup> The court has reviewed the record

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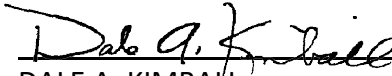
<sup>1</sup> *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991); *see also Thomas v. Arn*, 474 U.S. 140, 150, (1985) (“It does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings”).

and determined that Magistrate Judge Pead's Recommendation is sound and that there is no clear error on the face of the record. *See* Fed. R. Civ. P. 72(a). The court would also affirm under a de novo standard of review.

Accordingly, the court affirms and adopts the Magistrate Judge's Report and Recommendation in its entirety. Accordingly, Defendants' Motion to Dismiss [ECF No. 16] is GRANTED, and this action is DISMISSED without prejudice for lack of subject matter jurisdiction.

DATED this 14th day of July 2025.

BY THE COURT:

  
DALE A. KIMBALL  
United States District Judge